

USSN: 09/893.223Attorney Docket No.: 117-P-1062USD1**Remarks**

The title and four paragraphs of the written description are being editorially amended. Figure 6 is being amended (in a separately-sent letter to the Official Draftsman, filed using regular mail rather than facsimile) to identify the tile core (as 78) and to renumber two drawing elements (as 75 and 77) whose original numeric identifiers were used elsewhere in the written description. Claim 36 is being cancelled without prejudice. Claims 38 – 42 are being editorially amended and new claims 45 – 47 are being added. Antecedent basis for the written description amendments and new claims can be found at, e.g., page 1, lines 10 – 12; page 3, lines 4 – 6 and 14; page 39, lines 13 – 15; Table 1 at page 50; page 51, lines 7 – 18; page 53, lines 24 – 26 and in Fig. 6. Following entry of this amendment, claims 38 – 42 and 45 – 47 will be pending.

Claim 36 was previously rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 4,745,032 (Morrison). This rejection is mooted by the cancellation of claim 36. In case a similar rejection might be considered with respect to new claim 45, note that Morrison's multi-ply coated substrates are not tiles having a floor traffic surface and an underlying core wherein the floor traffic surface has an elemental composition substantially the same as that of the underlying core. Compare applicants' written description at, e.g., page 49, line 11 through page 51, line 11.

Claim 36 was also previously rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,314,554 (Owens). This rejection is also mooted by the cancellation of claim 36. In case a similar rejection might be considered with respect to new claim 45, note that Owens' laminated tiles are not tiles having a floor traffic surface and an underlying core wherein the floor traffic surface has an elemental composition substantially the same as that of the underlying core.

Claims 36 and 38 – 42 were previously rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,787,655 (Saylor, Jr.) in view of Morrison and U.S. Patent No. 4,698,249 (Brown). This rejection is also mooted by the cancellation of claim 36. In case a similar rejection might be considered with respect to claims 38 – 42 and 45 – 47, note that Saylor, Jr.'s bead- and film-covered floor would not provide tiles having a floor traffic surface and an underlying core wherein the floor traffic surface has an elemental composition

USSN: 09/893,223Attorney Docket No.: 117-P-1062USD1

substantially the same as that of the underlying core. See also the comments given above regarding Morrison, and note that Brown's horizontal tile array should have wear characteristics like a conventional tile floor.

Conclusion

An interview may help advance this application. The Examiner will be contacted to discuss such an interview, and to resolve any other questions the Examiner may have regarding this amendment.

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